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April 9, 2024

MEMO ENDORSED

VIA CM/ECF

Hon. Katherine Polk Failla
United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Re: *The Travelers Indemnity Company v. Trisura Specialty Insurance Company and Utica National Insurance Company of Ohio*
Case No: Case No. 1:23-cv-08255-KPF
Our File No: 9667.0100272

Dear Judge Polk Failla,

My firm represents defendant Trisura Specialty Insurance Company (“Trisura”) in the above referenced matter. We write in response to plaintiff The Travelers Indemnity Company’s (“Travelers”) first letter motion for discovery (ECF 37) and to request a two-week extension of time for Trisura to produce the required documents.

At the outset, Trisura has already timely exchanged thousands of pages of documents and responded to Travelers’ Combined Demands. The documents that Travelers now seek concern Trisura’s claims notes and the privilege log.¹ Trisura asserted timely objections to the production of the privileged portions of the claims notes but has no objection to producing the relevant and unprivileged portions and advised the parties of their intent to produce them.

Unfortunately, Trisura has been unable to exchange them to date due to short-term circumstances beyond its control. The adjuster assigned to oversee this matter at Sedgwick—Trisura’s third-party administrator—unexpectedly left the company in early March (before the claims notes could be transmitted to the undersigned) and there have been unexpected delays in reassignment of the claim. Once a new Sedgwick adjuster is assigned, which we understand is imminent, Trisura will produce the documents.

We apologize to the Court, to Travelers, and Utica for the delay caused by the unexpected departure of the Sedgwick adjuster. We note that while inconvenient, the delay is not prejudicial given that the Civil Case Management Plan and Scheduling Order provides that the

¹ The claims notes were not transmitted to the undersigned with the claims file which is why they were not included in Trisura’s document production in the first instance.

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end date of fact discovery is June 15, 2024. We therefore respectfully request that the Court deny Travelers' request and grant Trisura a two-week extension to produce the outstanding discovery.

Respectfully submitted,

CHARTWELL LAW

By: Linda Fridegotto
Linda Fridegotto

cc: all parties, via ECF
LF/lf

The Court is in receipt of Plaintiff's seeking a Local Rule 37.2 conference (Dkt. #37), and Defendant Trisura's response in opposition (Dkt. #38).

Consistent with its representation in the above letter, Trisura is hereby ORDERED to produce the requested discovery, including Trisura's initial disclosures, responses to Utica's interrogatories, non-privileged claim notes, and privilege log, on or before **April 24, 2024**.

Plaintiff's request for a Local Rule 37.2 conference is therefore DENIED without prejudice to its renewal, should Plaintiff not receive the requested documents.

The Clerk of Court is directed to terminate the pending motion at docket entry 37.

Dated: April 10, 2024
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE